

NO. 24286

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

JERRY MARZAN, Defendant-Appellant

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APPEAL FROM THE THIRD CIRCUIT COURT  
(FC-CR. NO. 00-1-467)

ORDER DISMISSING APPEAL  
(By: Moon, C.J., Levinson,  
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the defendant-appellant's appeal of the circuit court's June 6, 2001 order dismissing the indictment without prejudice, the Honorable Riki May Amano, presiding, is not authorized by HRS §§ 641-11 or 641-17, which authorize a defendant in a circuit court criminal case to appeal only from a judgment of conviction or a certified interlocutory order; and thus, (2) we lack jurisdiction over this appeal; Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision."). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 27, 2001.